

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Review of the Emergency Alert System)	EB Docket No. 04-296

**REPLY COMMENTS OF THE
NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION**

The National Cable & Telecommunications Association (“NCTA”) hereby submits reply comments on the Further Notice of Proposed Rulemaking in the Commission’s review of the Emergency Alert System (“EAS”).

In its initial comments, NCTA supported the Commission’s efforts to promote the development of a comprehensive public warning system that uses a variety of communications media to reach large numbers of people simultaneously. We believe that this can be accomplished by building on the existing EAS infrastructure. And we expect that cable systems will be able to disseminate more advanced digital emergency delivery formats through interfaces with cable’s existing digital standards and protocols. In this regard, the cable industry generally supports the concept of a Common Alert Protocol (“CAP”) to promote widespread dissemination of all-hazard warnings across media platforms but reserves final judgment on the completion of the pilot digital EAS project, testing and evaluation.

NCTA also asserted that the Commission’s goal of a comprehensive advanced public warning system would be best achieved through federal, state and local coordination on the issuance of alerts under one system, rather than multiple alerting systems. We urged the

Commission, along with its partner agencies, to facilitate the establishment of one fully-integrated national warning system to replace the disparate, often discretionary, manner in which states and localities implement emergency alerting today. This concern is echoed by many parties in this proceeding, confirming that one of the guiding principles of next generation EAS or other public warning systems should be unified, centralized federal government action and a clear delegation of who is authorized to activate the system to issue a public alert.¹

NCTA's reply comments address two issues raised in this proceeding involving the provision of timely emergency information to persons to whom English is not their primary language (multilingual EAS messaging) and to persons who are deaf or hard-of-hearing (real-time transcription of audio emergency information).

Multilingual EAS Messaging. With regard to multilingual EAS messaging, the Independent Spanish Broadcasters Association, Office of Communication, United Church of Christ, Inc., and Minority Media and Telecommunications Council (collectively "Petitioners"²) call for modifications to the EAS rules to ensure that non-English speaking persons have access to emergency information during times of national, state and local emergencies. In particular, they seek amendments to Part 11 to "provide for the mandatory carriage of national multilingual EAS messages on digital services and the mandatory carriage of local multilingual EAS on digital services where the digital service provider has chosen to participate in state and local EAS activations."³ Under the proposed plan, digital service providers would monitor Primary Entry

¹ See e.g. Comments of NCTA, Joint Named State Broadcasters Associations, Association for Maximum Service Television, Inc., Cox Broadcasting, Inc., BellSouth Entertainment LLC, USA Mobility, Inc., Sprint Nextel, T-Mobile, and American Association of Paging Carriers.

² See Petition for Immediate Interim Relief, EB Docket No. 04-296 (filed September 22, 2005).

³ Comments of Petitioners at 6.

Point (PEP) stations, which would be required to air Presidential level messages in both English and Spanish, and monitor “Local Primary Spanish” (to be designated “LP-S”) and “Local Primary Multilingual” (to be designated “LP-M”) stations transmitting in Spanish or another language where a substantial portion of the population has its primary fluency in Spanish or another language. These LP-S and LP-M stations would be designated by state and local EAS plans and be required to provide EAS messages in Spanish or another language for all state and local activations.

The cable industry recognizes that a significant proportion of the U.S. population speaks a language other than English as their primary language. The provision of emergency information by media outlets in Spanish and other languages, in addition to English, in those communities with a significant number of non-English speaking residents is a laudable goal. While Petitioners assert that it can be accomplished by digital video providers with “relative ease” and in an “uncomplicated” manner,⁴ this proposal poses technical and operational challenges for cable operators who participate in state and local EAS, particularly for the visual portion of the EAS message that the cable operator is required to provide on all channels.

First, it should be pointed out that the cable system’s role in disseminating EAS messages on a voluntary basis at the state and local level is to retransmit emergency information on an automated basis as it is received from an EAS originating source. Most cable systems monitor one or two local primary (“LP”) stations and simply pass on the EAS messages received from the stations to their customers. Under the Petitioners’ plan, operators would have to monitor additional LP stations transmitting not only in English, but Spanish and other languages where

⁴ Id.

appropriate, based on the demographics of the community. Operators would incur the cost and operational complexity associated with installing additional receivers at every headend to ensure that analog and digital customers receive the messages. A better approach would be to require the EAS message originators to issue both the English and Spanish versions of the state and local message, thus eliminating the need to monitor and transmit messages from two (or more) additional originators.

Second, assuming both languages are sent from the EAS originator, the *audio* dissemination of a single alert in two languages is more workable from an operational standpoint than distributing separate alerts from the originator in each language. Specifically, cable distribution of dual-language audio EAS alerts may be accomplished where both languages share the two-minute message window, *i.e.*, the *EAS originator* provides the message in English, immediately followed by the Spanish translation, which is then passed through by the cable system to its customers. EAS messages seldom consume the entire two-minute window. Thus, a dual-language audio message may be forwarded with no changes to the present cable EAS equipment.

However, if the messages were split into two separate messages – *e.g.*, one in English and one in Spanish – it would defeat the goal of multilingual alerting because EAS message decoding equipment would interpret the second message as a duplicate and likely delete it. To avoid this occurrence, the originator would have to identify the second language message as a separate alert. To our knowledge, there is no support in the existing EAS message protocol for signaling a second language as a separate alert.

Third, while dual-language audio messaging may be feasible, the dissemination of the *visual or text* portion of the message is more problematic. The visual message information is

derived from the header codes (identifying the entity, event, geographic area, and time period). The EAS decoder would have to be capable of transcribing this information into Spanish or another language in order to create a crawl or banner or other text message. Some EAS equipment that is currently deployed may be capable of handling messages in both English and Spanish; but many decoders are not. The cable industry is not aware of any decoders that are capable of handling messages in any other languages. For those operators who have installed dual English-Spanish EAS equipment and are participating in state and local EAS, the dissemination of the visual portion of the EAS originator's message in both languages is feasible. But for those operators lacking such capability, it would require a complete change out of their installed base of equipment before the end of its useful life.

Cable operators are beginning to migrate toward the provision of dual-language emergency information where the demographics of their service area support it, but they need the flexibility to work out economic, technical and implementation issues before achieving wide-scale deployment in a digital environment.⁵

Looking to next generation EAS and future public warning systems, the cable industry generally supports the FCC, FEMA and other federal agencies that are exploring solutions to such issues as multilingual EAS messaging. But an important aspect going forward should be a commitment by EAS message originators to issue multilingual alerts where appropriate. In the meantime, we urge the Commission, consistent with the limitations of the current EAS and the evolving nature of next generation warning systems, not to impose mandatory requirements on cable operators in this area.

⁵ See also Comments of National Association of Broadcasters ("NAB") at 15-16.

Real-Time Transcription of Audio Emergency Messages. A coalition of organizations representing individuals who are deaf or hard-of-hearing (“Commenters”) urges the Commission to require that both audio and visual formats of emergency alerts “contain the same information” and “be required at all times in order to provide functional equivalency.”⁶ The Commenters also “believe that to ensure that those with hearing loss have immediate access to complete information in an emergency situation, all parties subject to the EAS rules must provide a transcription of the audio message in real-time, utilizing open captions.”⁷ They assert that open captions should be required since they can be read on all devices, whereas consumers may not be familiar with how to configure a particular device to display closed captioning.

As NCTA explained in our initial comments, cable systems receive and disseminate emergency alerts on an unmanned, automated basis. They pass through the EAS message by overriding the audio and video of every channel. The override does include “open captions” but is limited to the information that is contained within the incoming EAS message; to expand the amount of text information (e.g., so it would duplicate the audio) would require changes to the EAS protocol itself, which operators have no control over. Moreover, cable operators are simply not able to transcode the audio message in real-time into text so that it can appear on all channels. Cable equipment does not have this capability and, as a practical matter, there are no on-site personnel with real-time captioning capability at any cable system.

Given the concerns raised by the organizations representing deaf and hard-of-hearing persons, NCTA supports the Commission’s proposal to encourage EAS message originators,

⁶ See Comments of Telecommunications for the Deaf and Hard of Hearing, Inc., Association of Late-Deafened Adults; Deaf & Hard of Hearing Consumer Advocacy Network; National Association of the Deaf; and Hearing Loss Association of America at 6.

⁷ Id.

such as the National Weather Service, FEMA and state emergency operations centers, to provide detailed EAS messages in both audio and visual format to video programming distributors so that individuals with hearing and visual disabilities receive the same information. EAS message originators determine the nature and amount of information provided in the message. Cable operators will deliver the information in both audio and visual format in the manner it is received from the EAS message originator. But, as noted above, the Commission should recognize that current EAS equipment has limitations. As next generation EAS technologies develop, the cable industry will continue to work with the vision and hearing disability community and others involved in public safety efforts to further improve access to emergency information for such persons.

CONCLUSION

For the foregoing reasons, NCTA urges the Commission not to impose mandatory requirements with regard to multilingual EAS messaging and real-time transcription of audio EAS messages.

Respectfully submitted,

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